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ant from such interference. *Held*, that no injunction should be granted. *Western N. Y. & P. T. Co. v. Stillman*, 68 N. Y. Misc. 456.

Recognizing the fact that moving a house differs only in degree from moving anything else, a reasonable use of the highway for such purpose has generally been held to be lawful. *Graves v. Shattuck*, 35 N. H. 257. *Contra*, *Dickson v. Kewanee Elec. Light Co.*, 53 Ill. App. 379. It is usual for cities to require a license for the moving of a building. This does not take away the common-law right; it restricts it to those who have satisfied the authorities that their exercise of it will not create a public nuisance. *Hinman v. Clarke*, 121 N. Y. App. Div. 105. A street railway franchise does not give an exclusive right to use the streets or any part of them; the company must share them with the public. *Market St. Ry. Co. v. Central Ry. Co.*, 51 Cal. 583. It follows that the company, like the public, is subject to occasional reasonable interference with its enjoyment of the streets. As the defendant in the principal case proposed to exercise his right in a way which would not work irreparable harm to the plaintiff, and as the plaintiff's right by franchise was not superior to the defendant's common-law right, the suit of the plaintiff was rightly denied.

INJUNCTIONS — ACTS RESTRAINED — PAYMENT OF SALARY TO ONE ILLEGALLY APPOINTED TO OFFICE. — The defendant was illegally appointed judge by a city council. The plaintiff, a taxpayer, joining the city council as co-defendant, prayed for an injunction restraining the payment of salary to the defendant. *Held*, that the injunction be granted. *Forman v. Bostwick*, 139 N. Y. App. Div. 333.

A court of equity has no jurisdiction to determine a question of title to office, since there is an adequate remedy by *quo warranto* proceedings. If there is an independent ground of equity jurisdiction, however, the court will determine the whole matter in issue, even if a question of title is incidentally involved. *Cf. Johnston v. Jones*, 23 N. J. Eq. 216. One recognized head of equity jurisdiction is the prevention, at the suit of a taxpayer, of an illegal waste of public moneys. *Merrill v. Plainfield*, 45 N. H. 126. But the principal case cannot be supported on that ground. *Burgess v. Davis*, 138 Ill. 578. Even where there is a rightful claimant who has been kept out of office by the *de facto* officer, he cannot recover from the city the salary which has been paid under mistake to the actual incumbent. *Coughlin v. McElroy*, 74 Conn. 397. Hence there is no waste of public money. The court in the principal case lays emphasis on the fact that no question of fact is in dispute, to go to a jury; but that in itself is of course not enough to give equity jurisdiction.

INNKEEPERS — DUTIES TO TRAVELERS AND GUESTS — WHETHER BAD REPUTATION IS AN EXCUSE FOR REFUSING ENTERTAINMENT. — The plaintiff, a noted professional prize-fighter, was refused accommodations by the defendants, the proprietors of a hotel. The judge charged the jury that it was for them to say whether such a violator of the criminal laws was a reputable person entitled to be admitted to a hotel. *Held*, that the charge was correct. *Nelson v. Boldt*, 180 Fed. 779 (Circ. Ct., E. D. Pa.).

For centuries the innkeeper has had a *prima facie* duty to all travelers to furnish for reward such accommodations as he has. See *Anon.*, Keilw. 50; *Rex v. Collins*, Palm. 373. But certain circumstances afford him a justification for refusing entertainment. The same policy which imposes the duty requires him to exclude those whose conduct would render them dangerous to the personal security and comfort of his guests. *Goodenow v. Travis*, 3 Johns. (N. Y.) 427. See *Markham v. Brown*, 8 N. H. 523; *Queen v. Rymer*, 2 Q. B. D. 136. Where one seeks accommodations to engage in an act illegal or *contra bonos mores*, it is of course the innkeeper's duty to refuse him admission. *Curtis v. Murphy*, 63 Wis. 4. *Cf. Thurston v. Union Pacific R. Co.*, 4 Dill. (U. S.)